

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARK ZAID	*
c/o 1250 Connecticut Avenue, N.W.	*
Suite 700	*
Washington, D.C. 20036	*
(Maryland Resident)	*
Plaintiff,	*
	*
v.	*
	Civil Action No. 22-1602
DEPARTMENT OF HOMELAND	*
SECURITY	*
STOP-0655	*
245 Murray Lane, SW	*
Washington, D.C. 20528-0655	*
Defendant.	*

COMPLAINT

This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., as amended, and the Privacy Act (“PA”) of 1974, 5 U.S.C. § 552a, et seq., as amended, seeking the production of records responsive to a request submitted by the Plaintiff to the Defendant Department of Homeland Security, and its subordinate entities.

JURISDICTION

1. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the Defendant pursuant to 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552a(g)(1)(B), and 28 U.S.C. § 1331.

VENUE

2. Venue is appropriate under 5 U.S.C. § 552(a)(4)(B), 5 U.S.C. § 552a(g)(5), and 28 U.S.C. § 1391.

PARTIES

3. Plaintiff Mark Zaid (“Plaintiff”) is a U.S. citizen, resident of Maryland, and requested responsive records via FOIA and PA.
4. Defendant Department of Homeland Security (“DHS”) is an agency within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 552a(a)(1), and is in possession and/or control of the requested records that are the subject of this action. DHS controls – and consequently serves as the proper party defendant for litigation purposes for – Immigration and Customs Enforcement (“ICE”) and the U.S. Secret Service (“USSS”).

COUNT ONE (DHS)

5. By letter dated March 4, 2022, the Plaintiff submitted a FOIA/PA request to DHS via its online portal that listed five (5) categories of information that were being sought.
6. By letter dated March 17, 2022, DHS acknowledged receipt of the FOI/PA request and assigned it Request Number 2022-HQFO-00701.
7. By letter dated April 29, 2022, DHS informed the Plaintiff the FOI/PA request was being transferred to ICE and USSS for direct response.
8. By letter dated May 3, 2022, USSS acknowledged receipt of the transferred FOI/PA request and assigned it File Number 20220390.
9. By e-mail dated May 4, 2022, ICE acknowledged receipt of the transferred FOI/PA request and assigned it Case Number 2022-ICFO-14224.
10. Neither ICE nor the USSS have issued a substantive response to the Plaintiff, who has constructively exhausted his required administrative remedies.
11. Plaintiff is entitled to receipt of non-exempt copies of all records responsive to his FOIA/PA request.

WHEREFORE, Plaintiff Mark S. Zaid prays that this Court:

- (1) Orders the Defendant to disclose non-exempt copies of the requested records in their entirety and make copies promptly available to the Plaintiff;
- (2) Award reasonable costs and attorney's fees as provided in 5 U.S.C. § 552 (a)(4)(E), 5 U.S.C. § 552a(g)(3)B), and/or 28 U.S.C. § 2412 (d);
- (3) expedite this action in every way pursuant to 28 U.S.C. § 1657 (a); and,
- (4) grant such other relief as the Court may deem just and proper.

Date: June 29, 2022

Respectfully submitted,

/s/ Bradley P. Moss

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